

Curtis L. Ashton, et al.
Application No. 09/200,631
Amendment dated March 27, 2003
Reply to Office Action of December 31, 2002

REMARKS/ARGUMENTS

Status of the Application:

Prior to entry of this response, claims 1, 4-11 and 13-28 are pending in this application. Claims 1, 4-11 and 13-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bigham et al. (U.S. Patent No. 5,740, 075), in view of Sakai et al. (U.S. Patent No. 5,557,437) and Tagami et al. (JP 08-172490). Claims 11 and 17 have been amended. No claims have been added or canceled by this response. Thus, after entry of this response, claims 1, 4-11 and 13-28 remain pending in the application.

Claim Amendments:

Claims 11 and 17 have been amended to indicate that the DC feed provides power to the electrical power source.

Rejections Under 35 U.S.C. §103(a):

The Office Action has rejected claims 1, 4-11 and 13-28 under 35 U.S.C. §103(a) as being unpatentable over the combination of Bigham, Sakai and Tagami. The Applicants respectfully traverse the rejections and submit the following arguments in support of their position. The cited references either alone or in combination fail to disclose each limitation of the claims.

For example, claim 1 recites, *inter alia*, “an electrical power source configured to supply an electrical supply voltage to power the optical network node, the electrical power source comprising an alarm system configured to monitor the operation of the electrical power source and transmit electrical power source operation information to the telecommunication service provider.” The Office Action correctly notes that Bigham fails to teach that the power source can comprise an alarm system configured to monitor the operation of the electrical power source and provide power source operation information. The Office Action contends, however, that Sakai teaches this limitation and that the references, when combined, render claim 1 obvious.

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Sakai, however, does not teach an alarm system configured to monitor the operation of the electrical power source and transmit electrical power source operation information to the telecommunications service provider. Instead, Sakai (col. 7, lines 45-47) teaches “a circuit for checking an internal operational margin of the system for power supply by changing the power supply voltage.” In accordance with the circuit of Sakai, “a reference voltage generator 41 generates a reference voltage b2 from the ordinary voltage b1 input from a power source 19, and then inputs the reference voltage b2 to the ADD 42” (col. 7, lines 54-58). Clearly, therefore, the teaching of Sakai is not an alarm system to monitor the operation of an electrical power source, but in fact a system for testing a power supply prior to beginning operation. In other words, according to the invention of Sakai (col. 8, lines 3-5) “the operational margin of the system for power supply is checked by changing the power supply voltage during the self-monitoring test.” Hence, Sakai, as opposed to teaching a power source with an alarm system configured to monitor the operation of the power source, in fact teaches a method of testing a power source across a series of reference voltages to determine the operating range of a power source. Clearly, the testing of a system across a range of voltages is different from monitoring the actual supply voltage to the system while in operation. In fact, Sakai is not monitoring the voltage during operation to ensure the stability of the electrical source, but instead is testing the operability of the system in response to intentionally varying voltages. Sakai, therefore, cannot be considered to teach (or even suggest) the limitations of claim 1.

Neither does Tagami teach an electrical power source including an alarm system. Therefore, the cited references, either alone or in combination, fail to teach each of the limitations of even claim 1 and that claim therefore is allowable over the cited references. For at least similar reasons, Applicants believe that independent claim 14 likewise is allowable.

Furthermore, dependant claims 4-11, 13 and 15-28 are allowable as depending from allowable base claims as well as being directed to specific novel substitutes. For example, none of the cited references disclose the limitations of claim 22. The Office Action cites Butler as disclosing the limitations of claim 22. (Because the Office Action does not specifically describe

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the “Butler” reference in formulating the rejections, it is unclear exactly which prior art reference to which the Office Action refers. It is assumed, however, that the reference to “Butler” is a reference to U.S. Patent No. 5,654,592 issued August 5, 1997 to Butler et al.) As argued in a prior amendment (and not addressed by the Office Action), however, Butler in fact does not teach transmitting claim signals to the telecommunications service provider.

Likewise, regarding claim 27, the Office Action asserts that Butler renders obvious the limitation that “the electrical power source operation information is selected from a group of consisting of information about an AC power source, information about a rectifier’s voltage, information about a converter’s voltage, and information about a current limiter’s current.” Conceding that Butler does not teach the limitation of claim 27, the Office Action nonetheless asserts that, because Butler teaches using some unspecified power source information in order to implement a battery backup, Butler renders claim 27 unpatentable. To the extent that the Office Action asserts that it would be well known to monitor the particular parameters of power source information as recited in claim 27, the applicants respectfully traverse that assertion and request a reference disclosing the limitations of claim 27 and/or a statement of Official Notice by the Examiner pursuant to MPEP §2144.03.

To the extent, on the other hand, that the Office Action asserts that Butler inherently teaches the limitations of claim 27, applicants respectfully assert that the recited limitations on power source information are not inherently taught by Butler, if for no other reason than because other operational parameters than those recited in claim 27 could easily create the need to switch to battery backup power and therefore could be the type of operational information monitored by the system of Butler. Thus, the parameters recited in claim 27 are not necessary to accomplish the disclosed function of Butler. Moreover, since the monitoring of the parameters disclosed by claim 27 is not strictly necessary to Butler’s disclosure of switching to a backup power supply, those parameters cannot be considered inherent to the disclosure of Butler. *See* MPEP § 2112. For at least these reasons, Butler, either alone or in combination with Bigam, Sakai and/or

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Tagami fails to teach or render obvious the limitations of claims 23 and 28 and for at least these additional reasons, claims 22, 23, 27, 28 are allowable over the cited references.


For at least these reasons discussed above, all of the pending claims are believed to be allowable, and the Applicants respectfully request that the rejections under 35 U.S.C. §103(a) be withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,


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